

**UNITED STATES TRANSPORTATION COMMAND
(USTRANSCOM)
POLICY DIRECTIVE 90-8
31 March 1998
Command Policy**

AGREEMENTS WITH OTHER AGENCIES

REFERENCES: (a) Department of Defense (DOD) Instruction 4000.19, Interservice and Intragovernmental Support

(b) DOD Directive 5530.3, International Agreements

(c) Chairman of the Joint Chiefs of Staff Instruction (CJCSI) 2300.1, International Agreements

(d) Under Secretary for Defense (Acquisition) Memorandum for Director, Joint Staff, Delegation of Authority for Cooperative Military Airlift Agreements (CMAAs), dated 1 September 1993

(e) USTRANSCOM Instruction 63-2, USTRANSCOM Acquisitions

(f) Economy Act of 1932, as amended (31 U.S.C. 1535, et seq.)

A. PURPOSE: Establishes policies and procedures for staffing and approval of USTRANSCOM agreements for interservice and intragovernmental support pursuant to reference (a) and international support agreements pursuant to references (b), (c), and (d) when negotiating authority has been delegated to USTRANSCOM. It outlines responsibilities for staffing and specifies who may enter into Command Arrangements Agreements, Command to Command Agreements, Memorandums of Understanding, Memorandums of Agreement, and other Support Agreements on behalf of the command.

B. APPLICABILITY: This PD is applicable to all USTRANSCOM directorates, Transportation Component Commands (TCCs), direct reporting elements (DREs), and direct reporting units (DRUs).

C. DEFINITIONS:

1. Command Arrangements Agreement (CAA): A general umbrella agreement with another unified command which establishes procedures and relationships and delineates responsibilities between USCINCTrans and that Commander in Chief (CINC).

2. Command to Command Agreement (CCA): An agreement between a TCC, DRE, or DRU and a major command, or the component or DRU, of another unified command.

3. Cooperative Military Airlift Agreement (CMAA): An agreement concluded under authority of 10 USC 2350c with the government of any allied country for the transportation of personnel and cargo of the military forces of that country, on aircraft operated by, or for, the military forces of the U.S., in return for reciprocal transportation of the personnel and cargo of the U.S. military on aircraft operated by, or for, the military forces of that allied country.

4. Cross-Servicing Agreement: An agreement concluded under authority of 10 USC 2342 with the government of another North Atlantic Treaty Organization (NATO) country, a NATO subsidiary body, the United Nations Organization, any regional international organization of which the United States is a member, or a designated, non-NATO country to which the United States agrees to provide logistic support, supplies, and services in return for an agreement to provide logistic support, supplies, and services to the United States Armed Forces by such country or international organization. CJCS has granted authority to negotiate and conclude Cross-Servicing Agreements to theater CINCs. Also referred to as Acquisition and Cross-Servicing Agreements (ACSAs).

5. Implementing Arrangement (IA): A supplementary arrangement for logistic support, supplies, or services that prescribes terms and conditions to define and carry out cross-servicing or acquisition and cross-servicing agreements. Authority to conclude implementing arrangements is delegated to unified combatant commands by CJCS, including authority for further redelegation.

6. Intergovernmental Support Agreement: An agreement by a DOD activity to provide or receive support with another executive branch agency or subactivity thereof. They define the support to be provided by one supplier to one or more receivers, specify the basis for calculating reimbursement charges in accordance with reference (f), establish the billing and reimbursement process, and specify other terms and conditions of the agreement.

7. International Agreement: Any agreement concluded with one or more foreign governments (including their agencies, instrumentalities, or political subdivisions) or with an international organization that is signed or agreed to by personnel of any DOD component, by representatives of the Department of State (DOS), or any other Department or Agency of the U.S. Government and/or signifies the intention of its parties to be bound in international law. Any oral agreement that meets these criteria is an international agreement. The DOD representative who enters into the agreement shall cause such an agreement to be reduced to writing.

8. Interservice Support Agreement (ISA): An agreement by one DOD activity to provide recurring support to another DOD activity of another Military Service, Defense Agency, Unified Command, Reserve, National Guard, or Field Activity. They define the support to be provided by one supplier to one or more receivers, specify the basis for calculating reimbursement charges (if any) for each service, establish the billing and reimbursement process, and specify other terms and conditions of the agreement.

9. Memorandum of Agreement (MOA): A document that defines general areas of responsibility and agreement between two or more parties. MOAs that establish responsibilities for providing recurring support should be supplemented with an ISA that specifies the service and defines the basis for reimbursements.

10. Memorandum of Understanding (MOU): A document that defines areas of mutual understanding between two or more parties, normally headquarters or major command level component. MOUs that identify expectations of recurring support should be supplemented with an Interservice Support Agreement (ISA) that specifies the service and defines the basis for reimbursements.

D. POLICIES AND PROCEDURES:

1. Agreements under Authority of USTRANSCOM:

1.1. Agreements with agencies outside of DOD, with DOD, the Joint Staff, or other unified commands, which involve obligation of USTRANSCOM funds, or which add new responsibilities or workload to USTRANSCOM, must be approved by the CINC or Deputy Commander in Chief (DCINC). All agreements are drafted and staffed by subject matter experts. USTRANSCOM Plans and Policy Directorate (TCJ5), as command coordinator for agreements, will coordinate on each agreement, maintain a master list of active agreements, and determine lead agent for developing/negotiating agreements with multiple directorate responsibilities. USTRANSCOM Intelligence Directorate (TCJ2), USTRANSCOM Operations and Logistics Directorate (TCJ3/J4), and USTRANSCOM Surgeon General (TCSG) are delegated authority to sign agreements, restricted to their areas of expertise, with their respective counterparts in the Executive Branch.

1.2. MOUs and MOAs may be signed by the Director, Chief of the DRE or DRU after coordination with TCJ5, USTRANSCOM Chief Counsel (TCJA), and, as appropriate, other impacted directorates.

1.2.1. Any MOU, MOA, or support agreement having budgetary impact or the potential to increase costs for the Transportation Working Capital Fund (TWCF) must be coordinated with USTRANSCOM Program Analysis and Financial Management Directorate (TCJ8).

1.2.2. Any MOU, MOA, or support agreement impacting total labor/workyear equivalents required for support of USTRANSCOM or the other agency, workyear transfers, or programs which could impact grade structures must be coordinated with USTRANSCOM Manpower, Personnel, Quality, and Information Management Directorate (TCJ1).

1.3. All MOUs, MOAs, and support agreements must comply with the requirements of reference (a).

1.4. All CAAs between Commander in Chief, United States Transportation Command (USCINCTRANS) and other Unified Commanders will be negotiated by TCJ5, after coordinating with the staff and the TCCs, and will be signed by USCINCTRANS (TCCC).

1.5. All interagency support agreements involving acquisitions will be directed to the USTRANSCOM Command Acquisition Officer (TCJ4-AQ) prior to supplying any draft agreements to the other agency in accordance with reference (e).

1.6. After signature, the office of primary responsibility (OPR) will maintain the historical record of negotiations and ensure that distribution of the agreement is completed.

1.7. The reports in this instruction are exempt from licensing in accordance with DOD 8910.1M "DOD Procedures for Management of Information Requirements".

2. Agreements under Authority of TCCs:

2.1. CCAs, MOUs, and MOAs between TCCs and their counterparts in DOD, the Joint Staff, other unified commands, or other federal, state, local, or private agencies relative to Defense Transportation System (DTS) common-user transportation must be coordinated with USTRANSCOM TCJ5 and other staff activities, as directed by TCJ5 and set forth below.

2.2. Agreements between TCCs and other agencies which are unrelated to the DTS and common-user transportation, but which may impact the ability of the TCC to meet mission requirements, will also be provided to USTRANSCOM for coordination prior to signature.

2.3. TCCs will not negotiate or conclude an agreement with any activity, within or outside DOD, which assigns new responsibilities or workload to USTRANSCOM without prior coordination with USTRANSCOM.

2.4. TCCs will not negotiate or conclude any agreement which significantly impacts the TCC budget or has the potential to significantly increase costs for the TWCF without prior coordination with USTRANSCOM.

2.5. Host-tenant and base support agreements between TCCs and DOD activities which support DTS forces of the TCCs do not require coordination with USTRANSCOM

2.6. Forwarding of Service agreements entered into by TCCs, which do not impact the DTS or the component command's ability to meet DTS mission requirements, is not required.

2.7. TCCs will provide annually to TCJ5, by 15 February, an updated list of the status of active, non-international agreements concluded within the TCC headquarters. This list will include type of agreement, its purpose, title, date signed, expiration/review date, and OPR.

3. International Agreements:

3.1. General Guidance:

3.1.1. In accordance with the provisions of references (b), (c), and (d), USTRANSCOM Directorates, TCCs, DRUs, and DREs may not initiate, negotiate, or conclude international agreements under the authority of USCINCTrans without prior written approval of USCINCTrans.

3.1.2. TCJA will be OPR for all international agreements, negotiated and concluded under authority of USCINCTrans, and will task the directorate/component with the functional expertise for the services being requested to assign an action officer, prepare and staff draft agreements, and host any required meetings with representatives of the requesting country or theater unified command.

3.1.3. After signature of an international agreement, the designated OPR will ensure that the historical record of negotiations is maintained. TCJA will ensure distribution of the agreement is completed within the time limits to addresses specified in reference (b).

3.1.4. The TCCs will designate an office to provide staff supervision over the development, coordination, negotiation, and conclusion of international agreements when responsibility for such functions is delegated to the component commander.

3.2. Cooperative Military Airlift Agreements:

3.2.1. In accordance with reference (d), USCINCTrans, on behalf of DOD, negotiates and concludes CMAAs with allied countries.

3.2.2. Air Mobility Command (AMC) is delegated the authority to negotiate CMAAs on behalf of USTRANSCOM. AMC will assume responsibility for implementation of completed agreements, including record keeping and annual collection/liquidation of accounts. As required by references (b) and (c), a fully coordinated draft of each agreement, including coordination with the applicable USTRANSCOM directorates, will be provided to AMC/JA for their review prior to providing a copy to the representatives of the other country.

3.2.3. Authority to sign the CMAAs is reserved to USCINCTrans.

3.3. Acquisition and Cross Servicing Agreement Implementing Arrangements:

3.3.1. For the transportation portion of theater CINC negotiated Acquisition and Cross Servicing Agreements (ACSAs), USCINCTrans normally negotiates IAs for strategic mobility requirements based on a delegation of negotiating authority from the theater CINC.

3.3.2. TCJA will be OPR for all IAs and will task the directorate with the functional expertise for the services being requested to assign an action officer, prepare and staff draft agreements, and host any required meetings with representatives of the requesting country or theater unified command. TCCs likely to be impacted by the IA will provide a point of contact (POC) to assist TCJA and the USTRANSCOM functional expert in developing the draft U.S. position.

3.3.3. Prior to providing a copy of the draft to the country or organization requesting to enter into the IA, TCJA will coordinate the U.S. draft with all impacted USTRANSCOM directorates and TCCs.

3.4. TCJA will maintain a repository for all international agreements signed by or on behalf of USTRANSCOM.

3.5. TCCs will provide annually to TCJA, by 15 February, an updated list of the status of active international agreements concluded by the TCC or for which it is responsible. This list will include type of agreement, its purpose, title, date signed, expiration/review date, and OPR.

3.6. TCJA will ensure the updated list of USTRANSCOM/TCC international agreements is submitted to the Director, Joint Staff, annually by 1 March per reference (c).

3.7. TCJA will obtain from other unified commands, the Joint Staff, and DOD their master list of international agreements.

E. EFFECTIVE DATE AND IMPLEMENTATION: Effective immediately.

APPROVED BY

SIGNED

ROGER G. THOMPSON, JR.
Lieutenant General, U.S. Army
Deputy Commander in Chief

OPR: TCJA/TCJ5

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